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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,805	08/17/2000	Yushi Ihara	450100-02652	6208

20999 7590 08/22/2006

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745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER
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BRINICH, STEPHEN M

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/640,805

Applicant(s)

IHARA, YUSHI

Examiner

Stephen M. Brinich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,7,9 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7,9 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments, see Response filed 5/30/06 (page 9, line 14 - page 10, line 18), with respect to the rejection(s) of claim(s) 1, 3, 5, 7, 9, & 14 under 35 USC §103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kitabatake.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5, 7, 9, & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukunaga et al (US 6603737) in view of Kitabatake (US 6099181).

Re claims 1, 3, 5, 7, 9, & 14, Fukunaga et al discloses an image processing arrangement in which an image generator (Figure 1A, digital video camera 101) produces desired still image data corresponding to image data inputted from outside, a printing

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control information generator (Figure 34, register 43-1 - 43-3; Figure 37, Printer Common Register Group 44-3; column 22, lines 36-65; column 24, line 30 - column 25, line 5) for generating still image data and printing control information including printing position information (in Figure 37, the elements "page-margin" and "page-offset" inherently control the position the printed elements will occupy on a page with a given margin and offset) for controlling a printing device in its operation of generating a printout of still image data, and an output (Figure 1A, 1394 serial bus) for communicating the printing control information and the still image data generated by said image processing means in a packet pursuant to the IEEE 1394 standard for output to a printing device (inherent from printer 102 and digital video camera 101 being connected via a 1394 serial bus, as described at column 6, lines 23-27). The printing control information is conveyed by an AV/C command set consistent with an FCP (function control protocol) (column 17, line 61 - column 18, line 3).

Further re claim 14, Fukunaga et al discloses (Figure 2, column 7, lines 35-38) the implementation of the printer control and communication protocol in a software program (which is necessarily stored in a medium readable by the implementing control hardware).

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Further re claims 1, 3, 5, 7, 9, & 14, Fukunaga et al discloses (column 6, lines 23-27) that the printer uses an IEEE 1394 bus and (Figure 34, register 43-1 - 43-3; Figure 37, Printer Common Register Group 44-3; column 22, lines 36-65; column 24, line 30 - column 25, line 5) that it contains printing control information (that was inherently output to it at some point prior to the printing operation using that information), but does not disclose that the outputting of printing control information to the printing device was done via the IEEE 1934 bus.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the IEEE 1394 bus to load the printing control information into the printing device.

The suggestion/motivation for doing so would have been to avoid the need to provide an additional data communication port for the conveyance of this data.

Further re claims 1, 3, 5, 7, 9, & 14, Fukunaga et al does not disclose the adjustment of printing speed based on printing sheet type information.

Kitabatake discloses (column 12, lines 13-62, particularly lines 18-19, 39-40, & 57-59) a printer in which printing speed is adjusted based on printing sheet type information.

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Fukunaga et al and Kitabatake are combinable because they are from the field of printer control arrangements.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to control the speed of the Fukunaga et al printer on the basis of printing sheet type information.

The suggestion/motivation for doing so would have been to insure proper timing of paper ejection and proper affixing of the printing medium upon the paper, as noted by Kitabatake (column 12, lines 38-42 & 48-56).

Therefore, it would have been obvious to use the disclosed IEEE 1394 bus to load the disclosed printing control information into the printing device to obtain the invention as specified in claims 1, 3, 5, 7, 9, & 14.

#### **Conclusion**

4. Any inquiry concerning the contents of this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430.

Any inquiry relating to the status of this application or proceeding or any inquiry of a general nature concerning application processing should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 571-272-1000.

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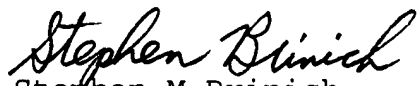
The examiner can normally be reached on weekdays 8:00-5:30, alternate Fridays off.

The examiner's unit designation has been changed from "Art Unit 2624" to "Technology Division 2625" (as of March 20, 2006).

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 571-273-8300 (as of July 15, 2005).

Hand-carried correspondence may be delivered to the Customer Service Window, located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314.



Stephen M Brinich

Examiner

Technology Division 2625

smb

August 18, 2006